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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,522	02/04/2000	Hyun-doo Shin	Q53231	7586

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EXAMINER	
DIEP, NHON THANH	

ART UNIT	PAPER NUMBER
2613	

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/497,522	SHIN ET AL.	
	Examiner	Art Unit	
	Nhon T Diep	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *49-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *49,51,53 and 55* is/are rejected.

7)☒ Claim(s) *50,52 and 54* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 February 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 49 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Park et al (US 6,597,738).

Park et al discloses a motion descriptor motion apparatus comprising the same method of processing video data comprising: determining motion intensity levels indicating a motion intensity of respective inter frames included in an input video data by using motion compensation information of the respective inter fames; and determining a histogram indicating frequency of the respective motion intensity levels (fig. 1B and col. 8, ln. 7-27 and col. 2, ln 55 – col, 3, ln. 7, col. 17, ln. 51-57) as specified in claim 49; and

further comprising: dividing a video stream into at least one video data; selecting the input video data among the at least one video data (fig. 18) as specified in claim 53.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al.

As applied to claim 49 above, it is noted that park et al does not particularly disclose the dividing a video stream is performed by using scene cut algorithm. The examiner takes Official Notice that it is well known to divide video streams into many GOPs, wherein the first and/or the last picture of the current GOP is substantially different than the first picture of the following GOP as a result of a scene cut and therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to use the scene cut algorithm in dividing a video stream into may GOPs since GOPs are substantially different and can not be inter frame coded.

5. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al, in view of Martens et al (US 6,157,677).

As applied to claim 49 above, it is noted that Park et al does not particularly disclose that the motion intensity levels are determined by using motion compensation values of respective predetermined sized blocks included in an inter frame as specified

in claim 51. Martens et al teaches the using the motion compensated to obtain the intensity difference between input images (col. 37, ln. 44-54). Therefore, it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify the system of Park et al by using motion compensation to obtain the intensity difference between images as taught by martens et al since motion compensation is also readily available in the compressed bit stream.

Allowable Subject Matter

6. Claims 50, 52 and 54 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Takahashi (US 5,028,996) discloses a picture coding method.

b. Qian et al (US 6,721,454) discloses a method for automatic extraction of semantically significant events from video.

c. Yokoyama (US 6,456,660) discloses a device and method of detecting motion vectors.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhon T Diep whose telephone number is 571-272-7328. The examiner can normally be reached on m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ND
4/18/2005

NHON DIEP
PRIMARY EXAMINER